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May 29, 2015

Honorable Katherine B. Forrest, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1950  
New York, NY 10007

Re: Yanowitz v. Divatex Home Fashion, Inc.  
Case No. 15 Civ. 807 (KBF)  
Our File No. 256220

Dear Judge Forrest:

This office represents Plaintiff, Ritchard Yanowitz, in the above-referenced action.

On May 6, 2015, a Motion to Dismiss the Counterclaims of the Defendant or, in the Alternative, for a More Definite Statement was filed on behalf of Mr. Yanowitz (ECF Nos. 41 and 42). Although an electronic Summons had been issued as to Brandon Yanowitz on April 21, 2015 (ECF No. 33), service had not been effected upon Brandon Yanowitz as of May 6, 2015, the date Ritchard Yanowitz filed his Motion to Dismiss.

On May 6, we questioned the Defendant's counsel as to whether service had been effectuated on Brandon Yanowitz. On May 7th, counsel for Defendant inquired as to whether we would be representing Brandon Yanowitz and, if so, would we accept service. It was also inquired that if we were not representing Brandon Yanowitz, that we advise of his counsel.

It was decided that this office would appear as counsel for Brandon Yanowitz at this time. We so advised the Defendant's counsel on May 8, and service was thereafter effectuated by our acceptance of service on May 13, 2015 (ECF No. 43).

At the time we agreed to accept service, we suggested to Defendant's counsel that in lieu of a repetitive filing by Brandon Yanowitz of the Motion to Dismiss, that an agreement be made that Brandon Yanowitz's obligation to address the Counterclaim abide the outcome of the pending Motion to Dismiss. Counsel for the Defendant agreed, provided we request of the Court that Brandon Yanowitz join in the pending motion.

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We, therefore, respectfully request that the Court enter an Order permitting Brandon Yanowitz to join in the pending Motion to Dismiss, and that the Court consider our arguments and the issues applicable to the Counterclaims, as to Brandon Yanowitz, as well as Ritchard Yanowitz.

Should the Court not believe this to be appropriate, we will, of course, file a Motion to Dismiss on behalf of Brandon Yanowitz promptly.

We thank the Court for its consideration of this request.

Respectfully yours,



BRUCE D. MELLER

BDM.sc

Encls.

cc. Anne C. Patin, Esq. (by email)  
Michael B. Weitman, Esq. (by email)